



WASHINGTON MILITARY DEPARTMENT POLICY

Administrative Services Policy 00-020-02

STATE ACTIVE DUTY MEDICAL CLAIM PROCESS

Effective August 15, 2002

This policy supercedes any previous policies or procedures on this subject prior to the date of this policy.

1. **PURPOSE:** To set forth policy regarding initiation and processing of State Active Duty (SAD) Medical Claims, to include eligibility determination and payment authorization. Reference 3.a. below provides Washington statutory authority for compensation of SAD medical claims.
2. **APPLICABILITY:** This policy applies to all Washington Army and Air National Guard (WNG) members activated by the Governor in state active duty status only. It does not apply to regular state employees, federal military technicians, or guardsmen in a Title 32 military status.
3. **REFERENCES:**
 - a. Title 38, Revised Code of Washington, Chapter 38.40.030
 - b. Title 51, Revised Code of Washington
 - c. Attorney General Opinion dated December 7, 2001
 - d. Department of Defense Instruction 1332.38
 - e. AFI 36-2910, Line of Duty (Misconduct) Determination
 - f. AR 600-8-1, Army Casualty Operations/Assistance/Insurance
 - g. ANGI 36-2910, Line of Duty and Misconduct Determinations
 - h. Title 296, Washington Administrative Code
 - i. MIL FORM 98, Request for Medical Treatment for Washington National Guard (WNG) Member on State Active Duty (SAD)
 - j. MIL FORM 98a, WA State Active Duty – Line of Duty Personnel & Medical Information
 - k. MIL FORM 594, Post State Active Duty Medical Questionnaire
 - l. MIL FORM 599, Pre-State Active Duty Medical Questionnaire
 - m. MIL FORM 598, State Active Duty Personal Expense Reimbursement Request
4. **POLICY:**

Overview: When a Washington National Guard (WNG) soldier or airman is injured, becomes ill or incapacitated while on SAD, a Line of Duty investigation (LOD) will be completed in accordance with procedural guidance set forth in this policy. The

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investigation will be documented using the Washington State Active Duty – Line of Duty Personnel and Medical Information form (MIL FORM 98a), and referenced throughout this policy as a SAD LOD form. The SAD LOD will be forwarded through the WNG Joint Operations Center (JOC) to the Military Department State Administrative Services office (SAS). The SAS will provide the SAD LOD to the Military Medical Review Board (MMRB). The MMRB will determine eligibility for compensation. Reference 3.b. establishes the propriety of the Military Department's use of federal LOD guidance as contained in references 3.c, d, e, and f to determine compensation eligibility. After review of a claim, the MMRB will make findings regarding eligibility and compensation. The MMRB will provide its findings to the SAS. The SAS will provide the MMRB's findings to The Adjutant General (TAG). TAG will review the MMRB's findings and make recommendations regarding the findings to the Governor. The Governor will take final action on the claim. If the Governor approves compensation of the claim, the amount and rate of compensation will be commensurate with the schedule utilized by the Department of Labor and Industries as set forth in RCW Title 51 and WAC 296.

Pre State Active Duty Medical Questionnaire: Prior to mobilization to state active duty, a member of the National Guard must complete a Pre State Active Duty Medical Questionnaire (MIL FORM 599). The questionnaire will be reviewed to determine suitability for SAD mobilization of the member.

Medical Personnel for State Active Duty: When it is determined by the Officer-in-Charge of the JOC that the operation of the mission warrants the need for medical personnel (doctor, nurse, physicians assistant, or medical specialist), the necessary medical personnel will also be activated in support of the state active duty mission.

WNG medical personnel responsibilities include:

- a. Determine whether the injured or ill member should be sent to a medical facility for further treatment.
- b. Determine whether the member should be demobilized and released from SAD, due to the medical condition.
- c. When a WNG member is sent to a medical facility, it will be the responsibility of the medical personnel (or the commander's representative assisting the member if no medical personnel are activated) to:
 - (1) Complete a Request for Medical Treatment for Washington National Guard (WNG) Member on State Active Duty (SAD) (MIL FORM 98),
 - (2) Explain claim criteria and processing procedures to the medical facility,
 - (3) Ensure the injured WNG member completes and signs Part I of the State Active Duty – Line of Duty Personnel & Medical Information form (MIL

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FORM 98a), unless the severity of the injury or illness precludes it at the time of admittance to the medical facility.

When no medical personnel are activated to SAD, the JOC Officer-in-Charge shall accomplish these responsibilities as set forth in a. and b. above.

WNG Member/Claimant Shall Have the Following Responsibilities: The WNG member who is activated on SAD and sustains an injury, becomes ill, or is otherwise medically incapacitated shall have the following responsibilities:

- a. Notify their chain-of-command immediately of injury, illness or other incapacitation.
- b. Provide information on facts and circumstances of injury or illness by completing Part I of the SAD LOD form, including the release section allowing agency access to medical, employment, and military record information required to administer the state active duty medical claim.
- c. Respond to any other requests for information or documentation from the command or the state administrative services office for purposes of processing the state active duty medical claim.

SAD Demobilization of WNG Member Unable to Perform SAD Duties: When a WNG member becomes ill, sick or injured, whether or not compensable as a state active duty claim, and is no longer able to perform her/his assigned SAD duties, the member will be promptly demobilized, complete Post State Active Duty Medical Questionnaire (MIL FORM 594), be released from SAD orders, and returned to the member's home for treatment and convalescing. If the claim is not determined eligible for compensation (per the eligibility determination procedure set forth below), the member is responsible for seeking further medical care at his/her own expense. If the claim is compensable, the member will be compensated according to the state Department of Labor and Industries compensation rates. A State Active Duty Personal Expense Reimbursement Request (MIL FORM 598) will be completed for claims involving personal clothing or equipment expenses incurred that are a result of performing state active duty.

Initiation and Investigation of a Claim: Report of a SAD related injury or illness will be made promptly by the injured WNG member, or other knowledgeable person, to the member's commander. The commander will ensure a SAD LOD form regarding the injury or illness is completed in accordance with references 3.c, d, e, and f, as applicable. The commander will forward the completed SAD LOD with accompanying supporting witness statements and medical treatment documents to the Joint Operations Center (JOC) within 24 hours of the injury. If the SAD LOD cannot be completed within 24 hours, the unit must at least forward a copy of the

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SAD LOD and available documents to the JOC and follow up with additional supporting documents as soon as practicable. The JOC will forward the SAD LOD to SAS.

State Administrative Services Shall Have the Following Responsibilities:

- a. Receive SAD LOD from JOC, review for completeness and send the SAD LOD to the MMRB for their review and recommendation.
- b. Maintain files on each WNG member including all correspondence, medical bills, and other appropriate claim information.
- c. Forward the information to the MMRB for their review and recommendation.
- d. Forward the MMRB recommendation to TAG.
- e. Prepare documentation for TAG to the Governor.
- f. Coordinate all actions with the Office of Financial Management to expedite approval of claims.
- g. Administer disbursement of compensation.
- h. Oversee further actions regarding the claim to include further medical treatment and/or rehabilitation.

Military Medical Review Board: RCW 38.40.030 establishes the MMRB as the mechanism for inquiring into SAD claims and making findings about compensation eligibility and compensation for review by TAG, and review and approval by the Governor. The Military Departments' Representative from the State Office of the Attorney General has advised the Department that it is appropriate and permissible for the MMRB to use federal military LOD standards and guidance in determining whether a claim is compensable.

The MMRB Shall Have the Following Responsibilities:

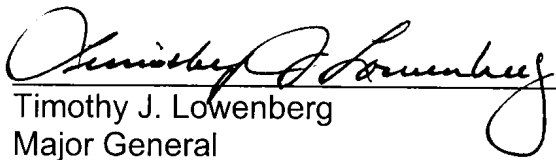
- a. Review the claim to determine whether injury, illness, or incapacitation occurred in line of duty and should be compensated.
- b. Make findings regarding eligibility for compensation.
- c. Forward findings to the State Administrative Services office for further processing.
- d. The MMRB has the authority to investigate further or direct further investigation of the claim, and to request and/or subpoena people and documents in accordance with RCW 38.40.030 in order to make its determinations.

The Adjutant General Shall Have the Following Responsibilities: TAG shall review the findings of the MMRB and submit the claim to the Governor with recommendations as to disposition.

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The Governor will notify TAG of the approval, denial, or direct further action be taken regarding the claim. When the Governor approves the findings of the MMRB, the SAS will take action on all claims as appropriate.

This policy will be reviewed on a regular basis, or following major National Guard activations to State Active Duty. Updates will be published when appropriate.



Timothy J. Lowenberg
Major General
The Adjutant General
Director, WMD

19 August 2002
Date